

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**WILLIAM PIERCE WASHINGTON,  
a/k/a “BAM,” and**

**WILLIAM PIERCE WASHINGTON Jr.,  
a/k/a “MAN,”**

**Defendants.**

**CASE NO. 1:17-CR-071(TSB)**

**JUDGE TIMOTHY S. BLACK**

**Supplement to Trial Brief**

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Comes now the United States of America, by and through Assistant United States Attorney Kyle J. Healey, and respectfully submits this supplement to its Trial Brief, as requested by the Court, for the Court’s consideration regarding coconspirator statements.

**COCONSPIRATOR STATEMENTS**

First, the Court correctly identified the statements of John 1 and John 2 as inappropriate for admission as coconspirator statements in furtherance of the conspiracy. However, in regards to statements by John 1 and John 2, since any such statements will be provided as direct testimony as witnesses at trial, rule 801(d) does not apply to such statements that are not otherwise considered hearsay. Fed. R. Evid. 801(c) (defining “hearsay” as a statement the “declarant does not make while testifying at the current trial.”); *See United States v. Benson*, 591 F.3d 491, 502 (6th Cir. 2010) (explaining 801(d) does not apply statements not considered hearsay such as “co-conspirators who testify as witnesses”). Thus, any statements from John 1 and John 2 the United States seeks admission of will not rely on 801(d), but rather their direct

testimony. To the extent the United States offers testimony from John 1 and John 2 about each others statements, the United States accepts it will need to rely upon separate hearsay exceptions.

Lastly, in regards to Female Relative, the United States does not intend to admit any of her statements as “non-hearsay” under 801(d)(2).

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Government’s Supplement to Trial Brief was served electronically this 19th day of January 2018, upon counsel for defendant.

s/Kyle J. Healey  
Kyle J. Healey  
Assistant United States Attorney